

REMARKS

In the December 18, 2003 Office Action, the Examiner noted that claims 1-19 were pending in the application; objected to the drawings and specification; rejected claims 1, 2, 8, 9 and 15-17 under 35 U.S.C. § 102(b); and rejected claims 4-7, 11-14, 18 and 19 under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patents 5,627,877 to Penttonen (Reference AB in the February 9, 2001 Information Disclosure Statement); 5,958,016 to Chang et al. (Reference AC in the December 20, 2000 Information Disclosure Statement); 6,490,587 to Easty et al.; and 6,618,593 to Drutman et al. (References A and B, respectively) were cited. Claims 1, 4, 8, 11 and 15-17 have been canceled and thus, claims 2, 3, 5-7, 9, 10, 12-14, 18 and 19 remain in the case. The Examiner's objections and rejections are traversed below.

The Application

The subject application is directed to migrating subscriber data from one information services system to another during operation of the systems. As described in the paragraph spanning pages 4 and 5, the information servers create activity logs that store information regarding voice mail, including all calls that create messages or are received from or sent to subscribers, as well as messages received, sent, transferred, retrieved, duplicated, deleted and replied to. According to the invention, the activity log file is automatically analyzed for patterns based on location data and identifiers associated with a communication device or a person using the system. As described on pages 5-7 of the application, private data, including the subscriber profile, is relocated from one information services system to another when the pattern analysis indicates that service can be provided more efficiently from a different location.

The Prior Art

U.S Patent 5,627,877 to Penttonen

The Penttonen patent is directed to a method for relocating a subscriber in a network of voice messaging systems (VMS) serviced by message switching centers (MSCs) when the VMS storing a subscriber's file determines that a user has been operating in an area serviced by an MSC different from the one directly connected to the VMS for twenty out of the previous thirty days. Upon making such a determination, the VMS at which the subscriber's file is stored, transfers the file to the VMS connected to the MSC that handled at least two-thirds of the subscriber's calls in the previous 30 days.

U.S. Patent 5,958,016 to Chang et al.

The Chang et al. patent is directed to an internet-web link for access to intelligent network service control in which control data is used to establish or modify call processing records stored in a service control point. Control data is input by subscribers to control the services and may be used to modify individual subscriber profiles in central office switching systems of the telephone network (see column 5, lines, 25-31).

U.S. Patent 6,490,587 to Easty et al.

The Easty et al. patent is directed to dynamic digital asset management in which digital assets, such as full-motion videos are stored in a central database 12 (Fig. 1) and distributed by central server 11 to end point facilities containing endpoint server 13 and endpoint database 14 for distribution via network 15 to client devices 16. The endpoint database stores information, such as "the frequency a particular content or type of content is requested by the users of the endpoint server ... [reflecting] the preferences of the user population served by the endpoint server" (column 3, lines 3-6) as an aggregate profile which may be generated by either the endpoint server or the central server "based on information relating to the on-line activities of all users served by the endpoint server" (column 3, lines 7-9).

Objections to Drawings and Specification

On page 2 of the Office Action, the Examiner objected to the drawings and specification due to inconsistent use of reference numerals in the drawings and text of the specification. Changes to Fig. 2, including a corrected formal drawing of Fig. 2 and changes to the specification have been made to consistently use reference numeral 15 for "PSTN/PLMN" and to add reference numeral 38 to Fig. 2. Therefore, withdrawal of the objections to the drawings and specification are respectfully requested.

Rejections under 35 U.S.C. § 102

On pages 3-4 of the Office Action, claims 1, 2, 8, 9 and 15-17 were rejected under 35 U.S.C. § 102(b) as anticipated by Penttonen. Claims 1, 8 and 15-17 have been cancelled and claims 2 and 9 have been amended to depend from claims 5 and 12, respectively. Therefore, it is submitted that the rejections under 35 U.S.C. § 102 are moot.

Rejections under 35 U.S.C. § 103

On pages 5 and 6 of the Office Action, claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Penttonen in view of Chang et al. Claims 3 and 10 have been amended to depend from claims 5 and 12, respectively. Therefore, these rejections will be discussed below after the rejection of claims 5 and 12 is discussed.

On pages 6-8 of the Office Action, claims 4, 5, 11 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Penttonen in view of Easty et al. As described above, Easty et al. is directed to digital asset management in which information is distributed from a central server to users and other than requests for the content, nothing is sent by the users. Furthermore, there is not suggestion that the users move or are serviced by different endpoint servers. Thus, the only thing taught by Easty et al. that is relevant to the present invention is evaluation of how geographically distributed users interact with the system. It is submitted that one of ordinary skill in the art addressing the problems described in the Description of the Prior Art section of Penttonen would not look to Easty et al. to improve the solution provided by Penttonen. The only reason that could be seen for citing Easty et al. is that the present invention improves upon Penttonen and given the disclosure of the present invention, the Examiner was able to find Easty et al. as disclosing something vaguely similar to a small portion of what the present invention does. It is submitted that this is insufficient for a rejection under 35 U.S.C. § 103(a). See, e.g., *In re Lee* 61 USPQ2d 1430 (Fed. Cir. 2002) and cases cited therein on pages 1433-1435.

Claims 5 and 12 have been amended to form independent claims by incorporating the limitations of the claims from which they depended and thus, have not changed in scope. The limitations recited in claims 5 and 12 are essentially the same, except that claim 12 is directed to a computer readable medium. Both claims require "generating at the information servers an activity log file including location data ... indicating which of the information servers provided access to the subscribers" (e.g., claim 5, lines 5-7), "transferring log data derived from the activity log file from each of the information servers to the central management server" (claim 5, lines 11-12) and "automatically performing pattern analysis at the central management server based on the location data" (claim 5, lines 13-14). As acknowledged in not rejecting claims 5 and 12 over Penttonen alone, there is no suggestion of these operations in Penttonen. All that is taught by Easty et al. is analysis of requests for content from a central server by users who access the system via an endpoint server. It is submitted that there is nothing in this teaching which would suggest modification of Penttonen to one of ordinary skill in the art of developing information servers which "provide access to subscribers" (claims 5, line 3, emphasis added),

rather than endpoint servers which provide access by subscribers to a central server, as taught by Easty et al. In other words, Easty et al. only teaches providing data to users and tracking what data they request, while the present invention tracks how mobile subscribers are accessed by the information servers, as well as which the information servers the users access. For the above reasons, it is submitted that claims 5 and 12, as well as claims 4 and 11 which depend therefrom, patentably distinguish over Penttonen in view of Easty et al.

Claims 3 and 10 have been amended to depend from claims 5 and 12, respectively. For the same reasons that claims 5 and 12 were not rejected over the combination of Penttonen and Chang et al., it is submitted that Chang et al. would add nothing to the combination of Penttonen and Easty et al. that would suggest to one of ordinary skill in the art performing a method as recited in claim 5 or storing instructions on a computer readable medium to perform such instructions. Therefore, it is submitted that claims 3 and 10 patentably distinguish over Penttonen, Chang et al. and Easty et al.

On pages 8-10 of the Office Action, claims 6, 7, 13, 14, 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Penttonen in view of Easty et al. and further in view of Drutman et al. It is submitted that Drutman et al. does not contain any suggestion of modifying the combination of Penttonen in view of Easty et al. to meet the limitations of claims 5 and 12. All that has been cited in Drutman et al. is transmitting data structures 210 and 220 (Fig. 2) associated with mobile devices 17 and 19 between each other and to central server 25 (Fig. 1) via mobile telecommunications network 15 and optionally via Internet 60 and a personal computer located near mobile communication device 17. Nothing has been cited or found in Drutman et al. to suggest modification of Penttonen to meet the limitations recited in claims 5 and 12. Since claims 6, 7, 13 and 14 have been amended to depend from claim 5 or claim 12, it is submitted that claims 6, 7, 13 and 14 patentably distinguish over Penttonen in view of Easty et al. and Drutman et al. for the reasons set forth above with respect to claims 5 and 12.

Claim 18 is directed to an information services system with "information servers geographically distributed to provide access to subscribers" (claim 18, line 2) and "at least one central management server ... to automatically perform pattern analysis on the log data received from said information servers, based on the access location identification data" (claim 18, lines 5-7). As discussed above with respect to claims 5 and 12, it is submitted that Penttonen in view of Easty et al. and Drutman et al. do not teach or suggest the limitations recited in claim 18. Since claim 19 depends from claim 18, it is submitted that claims 18 and 19 patentably distinguish over this combination of references. Furthermore, nothing has been cited in the prior

art teaching or suggesting the limitations recited in claim 19. Therefore, it is submitted that claim 19 further patentably distinguishes over the prior art.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2, 3, 5-7, 9, 10, 12-14, 18 and 19 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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